



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

September 24, 2012

David & Adrienne Kuhn  
1712 Skyline Ridge Ln SW  
Tumwater WA 98512-1441

Re: Determination of Water Budget Neutrality for Request No. G4-35549

Dear David & Adrienne Kuhn:

Thank you for submitting a Request for Determination of Water Budget Neutrality, which was received by the Department of Ecology (Ecology) office on March 5, 2012.

In accordance with Washington Administrative Code (WAC) 173-539A, Ecology has determined your proposed appropriation of groundwater, as mitigated by the trust water right identified in your request, will be water budget neutral with respect to Total Water Supply Available at Parker.

The information in the table below was based on the documents you provided.

**Proposed Uses and Mitigation Offered**

Use	Proposed Total Annual Quantity (ac-ft/yr*)	Proposed Mitigation (ac-ft/yr*)
Indoor	0.392	0.118
Outdoor	0.022	0.019
Total	0.414	0.137

\*ac-ft/yr = acre-feet per year (1 acre-foot = 325,851 gallons)

Consumptive use, totaling 0.137 ac-ft/yr, is proposed to be offset with Trust Water Right No. S4-05259CTCL@2sb7. The total consumptive use does not exceed the amount of water available under the subject trust water right during the irrigation season nor does it exceed the availability of unused Bureau of Reclamation storage capacity to retain the subject portion of the trust water right for later release during the non-irrigation season. Please refer to the enclosed Advisory Letter for additional information.



**FILE COPY**





LIFE CELL

Ecology has determined, based on review of your Request for Water Budget Neutral Determination and the accompanying materials, your proposed use of groundwater will be Water Budget Neutral as follows:

1. Water use is to be made within Parcel No. 20500 located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T. 20 N., R. 15 E.W.M.
2. In-home water use is one connection, resulting in a consumptive use of 0.118 ac-ft/yr.
3. Outdoor irrigation use is 0.011 acres, resulting in a consumptive use of 0.019 ac-ft/yr.
4. The proposed well(s) will be located in Parcel No. 20500, located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T. 20 N., R. 15 E.W.M.
5. Water use shall be recorded and reported as required under WAC 173-539A-070 and as described in the Advisory Letter enclosure.
6. You will record with the Kittitas County Auditor a property covenant as required under WAC 173-539A-050 that restricts or prohibits trees or shrubs over a septic drain field on Parcel No. 20500.
7. You will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right No. S4-05259CTCL@2sb7 to offset consumptive use as described in this letter.
8. You will pay to Ecology the sum of \$58.61 which represents a proportionate amount of the payment due and owing to the United States for storage and deliver of water under Paragraph 15(a) of Water Storage and Exchange Contract No. 09XX101700, between the Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, Washington, dated January 29, 2009.<sup>1</sup> The consumptive use of 0.072 acre-feet from September 1 through March 31 is subject to the terms and conditions in the Water Storage and Exchange Contract No. 09XX101700.
9. Any valid priority calls against Trust Water Right No. S4-05259CTCL@2sb7 based on local limitations in water availability, will result in temporary curtailment of the use of water until the priority call for water ends.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

<sup>1</sup> Water Storage and Exchange Contract No. 09XX101700 between the Bureau of Reclamation and the State of Washington Department of Ecology.

The website is located: [http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract\\_012909.pdf](http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract_012909.pdf)



You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Ste 301 Tumwater WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608  <b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

If you have any questions, please contact Teresa Mitchell at (509) 575-2597.

Sincerely,



Mark Kemner, LHG, Section Manager  
Water Resources Program/CRO

MK:KW/gh  
SharePoint>WR Docs/G4-35549

Enclosures: *Your Right To Be Heard*  
*Advisory Letter (white sheet)*  
*Water Measuring Requirement and Form 1*

By Certified Mail: 7010 0290 0000 7131 1323

cc: James Rivard, Kittitas County Public Health Department (email/pdf)  
Joe Mentor Jr., Mentor Law Group, LLC (email/pdf)  
Jessica Kuchan, Mentor Law Group, LLC (email/pdf)  
Suncadia, LLC  
Philip Rigdon, Director, Natural Resources Division, Yakama Nation



## **Suncadia "Yellow Area" Exchange Contract Assignment**

David & Adrienne Kuhn  
WBN Request No. G4-35549

The Department of Ecology (Ecology) has determined the use of groundwater described below will be water budget neutral with respect to Total Water Supply Available (TWSA). The reach of the Yakima River affected by the groundwater appropriation can be mitigated by release of stored water from a U.S. Bureau of Reclamation (USBR) storage facility upstream from the affected reach. Supplemental consultation under Endangered Species Act (ESA) is, therefore, not required pursuant to Article 18.b of the contract.

1. The groundwater use that will be offset by the trust water right is for domestic supply and 0.011 acres of lawn and garden irrigation. The use of water will be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T. 20 N., R. 15 E.W.M. (Parcel No. 20500). The consumptive water use will be 0.065 acre-feet from April 1 through August 31, and 0.072 acre-feet from September 1 through March 31.
2. The trust water right (No. S4-05259CTCL@2sb7) was placed into the Trust Water Right Program by Suncadia.
3. The Trust Water Agreement between Ecology and Suncadia can be found at the following website:  
[http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/suncadia\\_tw\\_agreement.pdf](http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/suncadia_tw_agreement.pdf)
4. Ecology assigns 0.072 acre-feet of Trust Water Right Certificate to the USBR-Ecology Exchange Contract (Contract No. 09XX101700). The term of the assignment is from September 12, 2012 to January 29, 2049.
5. The total payment for 37 years, based on the rate of \$22/ac-ft/yr in Article 15.a, is \$58.61.
6. Ecology plans to assign 0.024 acre-feet of the Trust Water Right to be managed within the Trust Water Right Program for instream flow purposes to benefit the Yakima River below Parker.